

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BOARD OF TRUSTEES, SHEET METAL)
WORKERS' NATIONAL PENSION)
FUND, *et al.*,)

Plaintiffs,)

v.)

COMMERCE AIR CONDITIONING,)
COMPANY, *et al.*,)

Defendants.)

Civil Action No. 1:09-cv-1021-AJT-TCB

ORDER

This matter is before the Court on the Report and Recommendation (Doc. No. 13) of the Magistrate Judge recommending that default judgment be entered against Commerce Air Conditioning Company, d/b/a Commerce Systems, and d/b/a/ Commerce Air Conditioning and Charles R. Walter, individually and d/b/a Commerce Air Company, d/b/a Commerce Systems, and d/b/a Commerce Air Conditioning (together, "Defendants") in favor of plaintiffs Sheet Metal Workers' National Pension Fund, the International Training Institute for the Sheet Metal and Air Conditioning Industry, the National Energy Management Institute Committee, and the Sheet Metal Occupational Health Institute Trust Fund (collectively, "Plaintiffs") in the amount of \$34,947.82 in unpaid contributions; \$6,791.45 in accrued interest through November 13, 2009; \$6,988.98 in liquidated damages; \$6,792.18 in pre-litigation liquidated damages; and \$4,334.16 in reasonable attorneys' fees and costs for a total award of \$59,854.59. The Magistrate Judge also recommends the following injunctive relief: that Defendants be ordered (1) to submit to an audit of its wage, payroll, and personnel records for all periods for which Defendants are obligated to contribute to the funds at issue within twenty days of this Order and (2) to file complete, proper, and timely remittance reports with accompanying contributions for all periods

to date (including periods with no work, which shall be reported as such). Finally, the Magistrate Judge recommends that this judgment should not preclude collection of any additional delinquency reported in new forms or discovered in the audit. No objections to the Report and Recommendations have been filed. The Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that Plaintiffs' motion for default judgment (Doc. No. 9) be, and the same hereby is, GRANTED; it is further

ORDERED that default judgment be, and the same hereby is, entered against Defendants in favor Plaintiffs in the amount of \$34,947.82 in unpaid contributions; \$6,791.45 in accrued interest through November 13, 2009; \$6,988.98 in liquidated damages; \$6,792.18 in pre-litigation liquidated damages; and \$4,334.16 in reasonable attorneys' fees and costs for a total award of \$59,854.59; it is further

ORDERED that Defendants submit to an audit of its wage, payroll, and personnel records for all periods for which Defendants are obligated to contribute to the funds at issue within twenty days of this Order and that Defendants file complete, proper, and timely remittance reports with accompanying contributions for all periods to date (including periods with no work, which shall be reported as such); and it is further


ORDERED that this judgment does not preclude collection of any additional delinquency reported in new forms or discovered in the audit.

If further action is required to enforce and collect this judgment, Plaintiffs may apply to this Court or to the court in which enforcement is sought for further reasonable attorneys' fees and costs in addition to those set out in the Report and Recommendation.

The Clerk is directed to enter judgment in accordance with this Order pursuant to Fed. R.
Civ. P. 58 and to forward copies of this Order to all counsel of record and to:

Commerce Air Conditioning Co.
d/b/a Commerce Systems
d/b/a Commerce Air Conditioning
449 Park Avenue
San Fernando, CA 91340

Charles R. Walter
449 Park Avenue
San Fernando, CA 91340



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
April 12, 2010